

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2008 Legislative Session

Legislative Day # 7

BILL NO. 2008-10

Introduced by: Lenhart Development

**REZONING OF PARCELS FROM BUSINESS PARK (BP) TO HIGH
DENSITY RESIDENTIAL (RH)**

Date introduced: 05 / 14 / 2008

Public Hearing: 05 / 14 / 2008

Commissioners Action: 06 / 17 / 2008

Commissioner Votes: WC: Y, EP: Y, RC: Y, SG: Y, GH: Y

Pass/Fail: Passed

Effective Date: 06 / 27 / 2008 12:01 a.m.

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1 **COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

2
3 **2008 Legislative Session**

4
5 Bill No. 2008-10

6 Chapter No. 297

7 Introduced by: Lenhart Development

8 Date of Introduction May 14, 2008

9 **BILL**

10
11 AN ACT concerning

12 **Re-zoning of one parcel from Business Park (BP) to High Density Residential**
13 **(RH)**

14
15 FOR the purpose of

16 Resolving a substantial change in character in the neighborhood of an existing
17 zoning classification, pursuant to Article 66B, §4.05(a), of the Annotated Code of
18 Maryland.

19
20 WHEREAS

21 The County Commissioners determined a substantial change in the character of
22 the neighborhood has occurred, thus warranting the petitioned rezoning,

23
24 **SECTION 1.** NOW THEREFORE, IN DUE CONSIDERATION OF THE
25 TESTIMONY, FINDINGS OF FACT AND CONCLUSIONS OF LAW DESCRIBED
26 IN ATTACHMENT “A”, BE IT ENACTED BY THE COUNTY COMMISSIONERS
27 OF CHARLES COUNTY, MARYLAND, that the Zoning Map of Charles County,
28 Maryland, specifically Parcel 441, Map 8, Grid 15, located off Western Parkway near
29 Hamilton Road, in Waldorf, Maryland, approximately 28.79 acres, be amended as
30 follows:

1
1
2 **Rezone the parcels from Business Park (BP) to High Density Residential**
3 **(RH) as shown on attached Zoning Map 8.**
4

5 **SECTION 2.** BE IT FURTHER ENACTED, that the change in zoning specified herein
6 is conditioned upon execution of the Zoning Indenture in accordance with the provisions
7 of §145 of the Code of Charles County, Maryland.
8

9 **SECTION 3.** BE IT FURTHER ENACTED, that this Act shall take effect TEN (10)
10 calendar days after it becomes law.
11

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13 _____
14 Wayne Cooper, President
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16 _____
17 Edith J. Patterson, Vice President
18

19 _____
20 Reuben B. Collins, II
21

22 _____
23 Samuel N. Graves, Jr.
24

25 _____
26 Gary V. Hodge
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29 _____
30 Denise Ferguson, Clerk
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1
1 **BASE ZONE AMENDMENT ZMA #07-29**
2 **CHARLES COUNTY, MARYLAND**
3

4 After a public hearing on the proposed Base Zone Amendment ZMA #07-29
5 held May 14, 2008, having considered the entire record made at such hearing, including
6 all testimony, documents, and exhibits offered therein by way of oral, written, or
7 referenced material and in light of matters of public record of which official notice has
8 been taken, the County Commissioners of Charles County, Maryland, hereby make the
9 following Findings of Fact and Conclusions of Law applicable to the proposed Base
10 Zone Amendment ZMA #07-29.
11

12 **FINDINGS OF FACT**

- 13 1. The petitioner, Lenhart Development Corporation, has requested an amendment
14 to change the BP, Business Park zone to RH, Residential High Density zone for
15 the Subject Property , known as Tax Map 8, Grid 15, Parcel 441, in the Sixth
16 Election District of Charles County, Maryland., and in the area known as
17 Waldorf located off west of Western Parkway and east of Hamilton Road in
18 Waldorf, Maryland.
- 19 2. Parcel 441 is 29.79± acres currently zoned BP, Business Park.
- 20 3. In accordance with Article 66B and Chapter 297 of the Charles County Code
21 (*Charles County Zoning Ordinance*), the Petitioner's request is based upon a
22 "Substantial Change in the Character of the Neighborhood".
- 23 4. Petitioner's application, in accordance with §297-448(B) of the *Charles County*
24 *Zoning Ordinance*, was filed in July of 2007.

- 1
1 5. The Planning Commission held a Public meeting on the application on
2 December17, 2007.
- 3 6. On March 3, 2008, the Planning Commission held a work session and
4 recommended the County Commissioners not approve the Zoning Map
5 Amendment. The Planning Commission concluded that the character of the
6 neighborhood had not substantially changed. The basis of the The Planning
7 Commission's conclusion was that the location of Western Parkway had been
8 known and planned since the 1980's. The Planning Commission also concluded
9 that recent water/sewer connections did not cause a change in the
10 neighborhood as this area has been in the water/sewer plans since 1992.
- 11 7. The County Commissioners held a Public Hearing on May 14, 2008 at 3:30 p.m.
12 in the Charles County Commissioner's Hearing Room. The hearing was
13 properly advertised on April 28, 2008 and April 30, 2008 in the *Maryland*
14 *Independent*, a newspaper of general circulation within Charles County,
15 Maryland.
- 16 8. In accordance with §297-448 of the *Charles County Zoning Ordinance*, the
17 Subject Property was posted and an affidavit of posting was received.
- 18 9. Subject Property was zoned BP, Business Park, during the 1992 Comprehensive
19 Rezoning.
- 20 10. Western Parkway from Acton Lane to Berry Road was completed and open for
21 public use in late 2007. Western Parkway is located along the eastern property
22 line of the Subject Property.

- 1
1 11. As part of the design and construction of Western Parkway, Hamilton Road was
2 realigned. Hamilton Road runs along the western property line of the Subject
3 Property.
- 4 12. Property to the west and north of the Subject Property has been or is being
5 developed as residential neighborhoods consisting of single family dwellings
6 and townhouses.
- 7 13. Property to the east and south of the Subject Property is designated for
8 commercial use and for a Planned Employment Park.
- 9 14. The Charles County Commissioners found that a Substantial Change in the
10 Character of the Neighborhood has occurred based upon the cumulative impact
11 of the following:
- 12 a. The completion of Western Parkway from Acton Lane to Berry Road,
13 which provides a dividing line between residential uses and commercial
14 uses.
- 15 b. The Subject Property is to the west of Western Parkway and the
16 surrounding areas to the west are primarily residential.
- 17 c. Since the 1992 comprehensive rezoning, there has been increased
18 residential development of much of the area surrounding the Subject
19 Property.

20 **CONCLUSIONS OF LAW**

21 The County Commissioners, in consideration of the above Findings of Fact,
22 hereby determine that the requested change to rezone the subject property meets the

1
1 criteria for a change from BP, Business Park zone to RH, High Density Residential
2 zone as a Zoning Map Amendment, based on a substantial change in the character of the
3 neighborhood..

4 The Subject Property currently zoned BP should be zoned in accordance with
5 the terms and provisions of Chapter 297 of the *Charles County Code* within the RH
6 Zone as shown on the attached Zoning Map 8.

7
8 COUNTY COMMISSIONERS OF
9 CHARLES COUNT, MARYLAND

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12 _____
13 Wayne Cooper, President

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15 _____
16 Edith J. Patterson, Vice President

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18 _____
19 Ruben B. Collins, II

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21 _____
22 Samuel N. Graves, Jr.

23
24 _____
25 Gary V. Hodge

26 ATTEST:

27 _____
28 Denise Ferguson, Clerk
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